

U.S. Serial No. 10/756,916

Filed: January 13, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION DATED 2/10/06

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REMARKS

I. Introduction

Upon entry of the present amendment, claims 1-47 will be pending in this application. Claim 1 has been amended to clarify the features of the invention. Support for these amendments can be found at Paragraph [0029] which provides that the treatment device may comprise a drum, and in the specification at Figure 1, which shows that the products may be supplied to the treatment device through one end of the drum and may be discharged from the treatment device from an opposite end of the drum. No new matter has been added.

II. 35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1-6, 8-9, 11-15, 17-27, 35-37, and 39-44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,261,854 to Eiriksson. Applicants have amended claim 1 to specify that the device comprises at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or second ends and exit the drum through the other of the first or second ends. As this feature is neither taught nor suggested by the prior art, alone or in combination, Applicants respectfully submit that claim 1, as well as claims 2-47 were depend therefrom, are now in condition for allowance.

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Applicants' invention is directed to a device for treating meat products including at least one treatment section having a space for accommodating meat products. The treatment section comprises a drum with opposite ends and is, at least part, rotatable about an axis of rotation. Products enter the drum through one end of the drum and exit the drum from the other end.

Applicants respectfully submit that Eiricksson fails to teach each and every element of the claims, as amended. Eiricksson discloses a device for processing scallops which comprises a cylindrical drum with longitudinal ends and a sidewall. Col. 2, lines 10-15. A drive mechanism is provided for rotating the drum about its longitudinal axis. Col. 2, lines 15-18. Scallops are fed to the drum through a chute located in the inlet end of the drum. Col. 3, lines 31-33. Instead of passing all of the way through the drum, however, scallops are discharged through the use of openings located *about the circumference* (or peripheral portion) of the drum. See Col. 4, lines 22-41, Figure 4. In contrast, Applicants' invention discloses a device in which meat products travel all of the way through the drum and exit from one end of the drum. Thus, Eiricksson does not teach all the elements of claim 1. Claims 2-47 ultimately depend on claim 1, and are allowable by virtue of their dependency.

Claim 1 as amended is also not obvious in light of the prior art. The device of the instant invention allows treatment sections to be arranged adjacent to one another so that products may be transferred from the first to the second treatment sections with ease. The products which exit the first treatment section may directly enter the second treatment section with little extra effort, because the products exit the drum through one

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of two opposite ends and hence may automatically enter the second treatment section through a facing end thereof.

The Eiriksson, Strong, Palm and Petsche devices discharge products from a point on the circumference of a drum. They are unable to operate in the manner of the present invention because products could only be transferred from one treatment section to a second treatment section by a complicated transfer device. Because these devices discharge products from the drum through their circumferential wall, the products are then situated at a both a radial and an axial distance from any second, adjacent treatment section. Any transfer device would have to redirect the products and manually transfer them to a second treatment section.

The devices of Corominas, Thirode and Hubbard are also not capable of having two treatment sections adjacent to one another capable of simple transfer of products from one to the other. The drums of Corominas, Thirode and Hubbard must tilt transverse to the rotation axis of the drum in order to discharge their products. Should two treatment sections tilt simultaneously about their respective tilting axis', then the ends of the respective treatment sections which faced one another in the treatment position of the drums would no longer be adjacent to one another and it would not be possible to easily transfer products from one section to the other. Again, any transfer device would have to redirect the products and manually transfer them to a second treatment section.

As the Eiriksson, Strong, Palm, Petsche, Corominas, Hubbard or Thirode references, alone or in combination, do not teach nor suggest all the elements of claim 1,

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Applicants respectfully submit that Claim 1 is also non-obvious and, thus, allowable. Claims 2-47 ultimately depend on claim 1, and are allowable by virtue of their dependency.

III. 35 U.S.C. § 103 Rejections

A. Claims 7 and 16

Claims 7 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Corominas. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or second ends and exit the drum through the other of the first or second ends. Corominas teaches a device in which products are supplied and discharged from the same end. Thus, Corominas does not correct this deficiency. Thus, Applicants respectfully request Claims 7 and 16 be allowed.

B. Claims 10 and 30

Claims 10 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Strong. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or

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second ends and exit the drum through the other of the first or second ends. Strong teaches a device in which products are discharged at a point on the circumference of a drum. Thus, Strong does not correct this deficiency. Thus, Applicants respectfully request Claims 10 and 30 be allowed.

C. Claims 28 and 29

Claims 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Thirode. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or second ends and exit the drum through the other of the first or second ends. Thirode teaches a device in which products are supplied and discharged from the same end. Thus, Thirode does not correct this deficiency. Thus, Applicants respectfully request Claims 28 and 29 be allowed.

D. Claim 31

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Palm. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or

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second ends and exit the drum through the other of the first or second ends. Palm teaches a device in which products are discharged at a point on the circumference of the drum. Thus, Palm does not correct this deficiency. Thus, Applicants respectfully request Claim 31 be allowed.

E. Claim 32

Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Hubbard. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from one of the first or second ends and exit the drum through the other of the first or second ends. Hubbard teaches a device which rotates about an axis perpendicular to its longitudinal axis in which products are supplied and discharged from the same end. Thus, Hubbard does not correct this deficiency. Thus, Applicants respectfully request Claim 32 be allowed.

F. Claims 33-34, 38 and 46-47

Claims 33-34, 38 and 46-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eiriksson in view of Petsche. As stated above, Eiriksson does not disclose a device comprising at least one treatment section comprising a drum wherein at least part of the at least one treatment section is rotatable about an axis of rotation and wherein the drum comprises a first end and an opposite second end spaced a distance from the first end along the axis of rotation, wherein the products enter the drum from

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one of the first or second ends and exit the drum through the other of the first or second ends. Petsche teaches a device in which products are discharged at a point on the circumference of the drum. Thus, Petsche does not correct this deficiency. Thus, Applicants respectfully request Claims 33-34, 38 and 46-47 be allowed.

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PETITION FOR ONE-MONTH TIME EXTENSION**RECEIVED
CENTRAL FAX CENTER****JUN 08 2006**

Applicants hereby petition that the period for responding to the Examiner's Action mailed on February 10, 2006 be extended for one month, up to and including June 10, 2006. A Credit Card Payment Form PTO-2038 is enclosed authorizing the U.S. Patent and Trademark Office to charge Kilpatrick Stockton LLP's American Express account in the amount of \$120 in payment of the extension of time fee. The undersigned attorney believes no further fees are due; however, the Commissioner is authorized to debit deposit account no. 11-0855 to the extent necessary if additional fees are due.

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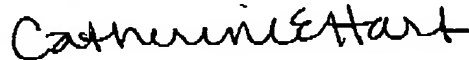
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CONCLUSION

Applicant's Assignee respectfully submits that claims 1-47 are in condition for immediate allowance, and requests early notification of their allowance. If there are any matters that can be addressed by telephone, the Examiner is urged to contact the undersigned.

Applicants' Assignee believes that no additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

Respectfully submitted,



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